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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/577,212

04/25/2006

Holger Leicht

10191/4238

3343

26646 7590 11/21/2007
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

SWARTHOUT, BRENT

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

11/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/577,212 | Applicant(s) LEICHT, HOLGER | |
| | Examiner Brent A. Swarthout | Art Unit 2612 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>4-25-06</u> . | 6) <input type="checkbox"/> Other: ____. |

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forbes et al. in view of Bender et al. and Hightower.

Forbes discloses a lane assist system for a vehicle comprising a sensor device 102/104 for detecting lanes, device 406 for alerting a driver that vehicle is or may depart from a lane, except for specifically stating that warning involves a vibration in a seat indicating which direction lane deviation is occurring. It is noted that elements 408 and 410 do teach desirability of indicating to which side lane deviation is occurring.

Bender teaches desirability in a lane deviation warning system of using either visual or seat vibrating means to alert a driver to lane deviation (col. 6, lines 17-19).

Hightower further teaches desirability in a vehicle of vibrating either side of a seat to indicate direction of deviation of a vehicle from a desired path (abstract).

It would have been obvious to utilize left and right seat vibration means to indicate which direction a vehicle was deviating a lane at in a system as disclosed by Forbes, since Bender and Hightower teach desirability of using , vibrations to indicate course deviation direction, which would have permitted notification even in noisy or bright environments where light and sound alerts would have been distracting or hard to detect.

Regarding claim 12, Bender teaches using any combination of sound or light for an alarm (col. 6, lines 16-19) .

2. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Forbes et al. in view of Bender et al., Hightower and Taniguchi.

Taniguchi teaches desirability of sensing approaching vehicles and indicating an alarm to a driver if lane deviation is contemplated while an approaching vehicle is detected.

It would have been obvious to use an approaching vehicle alarm as suggested by Taniguchi in conjunction with a lane change alarm as disclosed by the combined teachings of Forbes, Bender and Hightower, in order to allow a driver to avoid collisions with rapidly approaching vehicles that may have been out of view through a rear view mirror.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Spero discloses a lane change alarm system.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A. Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-Th from 6:00 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).


Brent A Swarthout
Primary Examiner
Art Unit 2612

**BRENT A. SWARTHOUT
PRIMARY EXAMINER**